

bill, on motion of Mr. Latimer, laid on the table until to-morrow.

A message was received from the House of Representatives, transmitting the following resolution :

Resolved, That the House of Representatives will go into an election for District Attorney for the Third Judicial District, on Thursday, the 29th inst., at 11 o'clock, A. M. ; and that the Senate be invited to attend said election.

On motion of Mr. Van Derlip, laid on the table until to-morrow.

Also, informing the Senate that the House of Representatives had passed the following bill and joint resolutions, viz :

A bill to incorporate the Brownsville Lyceum ;

A joint resolution for the relief of John Balch ; and,

A joint resolution for the relief of Hugh McClure ; which were severally read first time.

Also, that the House had adopted a substitute, by way of amendment, for a joint resolution instructing our Senators and requesting our Representatives to urge upon the Congress of the United States the passage of a law for the removal of Indians ; in which amendment the Senate concurred.

Mr. Robertson gave notice that he would enter his protest against the passage of the joint resolution granting further time for the payment of government dues and the return of field notes.

On motion of Mr. Robertson, the Senate adjourned.

THURSDAY, 9 o'clock, A. M., November 29, 1849.

The Senate was called to order by the President. Senators present : Messrs. Brashear, Cooke, Davis, Gage, Grimes, Hart, Kinney, Latimer, McRae, Moffett, Parker, Pease, Phillips, Portis, Robertson, Truit, Van Derlip, Ward and Wallace. The journals of yesterday were read and adopted.

On motion of Mr. Gage, Mr. Burleson was excused from attendance, on account of sickness.

Mr. Cooke presented the petition of sundry citizens of Leona, Grimes and Walker counties, praying that a strip of Grimes and Walker counties be annexed to Leona county ; which was, on motion of Mr. Cooke, referred to the committee on County Boundaries, without reading.

Mr. Gage, chairman of the committee on County Boundaries, to whom was referred a bill defining the boundaries of the county of Santa Fe, reported a substitute for the same and recommended its adoption.

Mr. Van Derlip introduced a bill to provide for the civil organization of the counties of Presidio, El Paso, Worth and Santa Fe; read first time.

On motion of Mr. Latimer, the rule requiring bills to be read on three several days was suspended, bill read second time, and, on motion of Mr. Van Derlip, referred to the committee on the Judiciary.

Mr. Moffett, chairman of the committee on Engrossed Bills, reported the following bills correctly engrossed:

A bill to amend the 55th section of the act to organize justices' courts, and to define the powers and jurisdiction of the same, approved March 20th, 1848. A bill to authorize clerks of the county courts to take the acknowledgment of married women to deeds. A bill to prohibit the execution of a mortgage or lien upon the homestead of a family by the husband, without the consent of the wife, and a bill creating the counties of Presidio, El Paso and Worth.

Mr. Wallace, chairman of the committee on Enrolled Bills, reported the following bills correctly enrolled, viz:

An act to amend the first section of an act fixing the time at which laws passed shall go into effect, &c., approved January 16th, 1840; and an act to provide for running and establishing correctly the line between Nacogdoches and Fannin land districts, and the same had been presented, this day, to the Governor for his approval.

ORDERS OF THE DAY.

Resolution of the House to go into an election for District Attorney for the third Judicial District, on Thursday, the 29th inst., at 11 o'clock, A. M.

On motion of Mr. Pease, the resolution was referred to the Judiciary committee.

A message was received from the House of Representatives, through their Chief Clerk, informing the Senate that the House had adopted the substitute of the Senate for a bill regulating the pay of electors of President and Vice President of the United States; and that the House had passed a bill, making additional appropriations of land for purposes of education, and a bill to incorporate the Marshall Cemetery Company; which were read first time.

The resolution offered by Mr. Burleson, on yesterday: complimentary to Gen. A. Sidney Johnston, was read.

Mr. Wallace offered the following amendment: "and that they are displeased to hear of the removal from the office of G. L. Clapp, late mail agent".

On motion of Mr. Robertson, the resolution and amendment were laid on the table.

A bill to provide for the payment of jurors: read.

Mr. Van Derlip offered the following amendment to section 3:

Strike out "five", and insert "three", and add a proviso in the following words—"provided, that if any suit hereafter instituted shall be disposed of by non-suit, dismissal by the plaintiff or otherwise, without a trial by jury, no such tax-fee shall be charged"; a division of the question being called for, the motion to strike out "five" and insert "three" was carried by the following vote.

Yeas: Messrs. Davis, Hart, Latimer, Moffett, Phillips, Van Derlip, Ward and Wallace—8.

Nays: Messrs. Brashear, Gage, Grimes, McRae, Parker, Pease, Robertson and Truit—8; there being a tie, the President voted in the affirmative.

The question then recurred on the proviso on the amendment offered by Mr. Van Derlip, upon which the yeas and nays were called, and stood:

Yeas: Messrs. Grimes, Hart, Latimer, Moffett, Van Derlip, Ward and Wallace—7.

Nays: Messrs. Brashear, Davis, Gage, McRae, Parker, Phillips, Robertson and Truit—9; lost.

Mr. Latimer moved to amend the 3d section by striking out the following words: "or that may hereafter be brought to any District Court of this State by appeal or otherwise"; upon which the yeas and nays were called, and stood thus:

Yeas: Messrs. Hart, Latimer, Moffett, Van Derlip, Ward and Wallace—6.

Nays: Messrs. Brashear, Cooke, Davis, Gage, Grimes, Kinney, McRae, Parker, Pease, Phillips, Portis, Robertson and Truit—13; lost.

Mr. Portis moved to amend the 4th section by inserting after the word "court" the following words "and the person or persons convicted shall stand committed until the said fee is paid"; lost.

Mr. Grimes moved to amend the 9th section by striking out the words "verified by his affidavit"; lost.

Mr. Van Derlip moved to amend the 16th section by striking out "2½" and inserting "5"; lost.

Mr. Moffett moved that the bill be made the special order of the day for Monday, the 3d December, and that 25 copies be printed; carried.

A bill creating the counties of Presidio, El Paso and Worth; read third time.

Mr. Van Derlip offered the following as a substitute for 2d section:

Be it further enacted, That the seat of justice of said county of Presidio shall be at Fort Leaton on the Rio Grande until otherwise provided by law; adopted, and bill passed.

A bill to regulate the election of clerks of the District Courts in the several counties in this State; read third time and passed.

A joint resolution for the relief of John Balch; read second time, and, on motion of Mr. Gage, referred to the committee on Public Lands.

A bill to incorporate the Brownsville Lyceum; read second time, and, on motion of Mr. Moffett, referred to the committee on Education.

A joint resolution for the relief of Hugh McClure; read second time, and, on motion of Mr. Parker, referred to the committee on Public Lands.

A joint resolution for the relief of the owner of a certain Austin city lot; read second time, and, on motion of Mr. Fruit, referred to the committee on Private Land Claims.

A bill to prohibit the execution of a mortgage or lien upon the homestead of a family by the husband, without the consent of the wife; read third time.

Mr. Wallace moved to amend the bill by inserting after "family" the words "as defined in the constitution"; carried, and bill passed.

A joint resolution authorizing the Governor to send a Commissioner to the United States for the purpose of selling a portion of the territory of Texas; read second time, and referred to the committee on Federal Relations.

A bill to authorize clerks of county courts to take the acknowledgment of married women to deeds; read third time and passed.

A bill to amend the 55th section of the act to organize justices' courts, and to define the powers and jurisdiction of the same, approved March 20, 1848; read third time and passed.

The report of the committee on County Boundaries reporting a substitute for the bill defining the boundaries of the county of Santa Fé, was read, and, on motion of Mr. Gage, laid upon the table until to-morrow.

On motion of Mr. Kinney, the Senate adjourned.

FRIDAY, 9 o'clock, A. M., November 30th, 1849.

The Senate was called to order by the President. Senators present: Messrs. Brashear, Davis, Gage, Grimes, Hart, Kinney, Latimer, McRae, Moffett, Parker, Phillips, Portis, Robertson, Truit, Van Derlip, Ward and Wallace. The journal of yesterday was read and adopted.

On motion of Mr. McRae, Mr. Taylor was excused from attendance, on account of sickness.

Mr. Moffett, from the committee on Roads, Bridges and Ferries, to whom was referred a bill to amend the ninth section of an act authorizing and requiring the county courts to regulate roads and appoint overseers, &c., reported the same back to the Senate and recommended its passage.

Mr. Phillips, chairman of the committee on the Judiciary, to whom was referred a bill to provide for the civil organization of the counties of Presidio, El Paso, Worth and Santa Fe, reported the same back to the Senate, with amendments, and recommended their adoption and the passage of the bill.

1st amendment: 1st section—strike out all after the word "Santa Fe" in the 6th line.

2d amendment: strike out the 2d section and insert as follows: "That said Commissioner shall have power, and it is hereby made his duty to lay off such portions of said counties into convenient justices' and election precincts, and to have the same recorded in the office of the county clerk, when elected; to order an election of all county and precinct officers; to appoint and administer the appropriate oaths to the presiding officers, requiring them to conduct said election, according to an act regulating elections, to receive the returns of said election and declare the result and make returns thereof to the Secretary of State."

3d amendment: section 3d—in the 4th line after the word "immediately", insert as follows—"issue certificates of election to the several officers elect and"; in the 6th line, after the word "many" insert "by giving the bonds required by law".